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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.15850 of 2013

and

M.P (MD) Nos.1 & 2 of 2013

Dr.E.Raja Justus

... Petitioner

Vs

1. The Director of Collegiate Education,
O/o. Director of Collegiate Education,
College Road,
Chennai-6.
2. The Joint Director of Collegiate Education,
O/o.Joint Director of Collegiate Education,
Perumalpuram,
Tirunelveli District.
3. The Manonmaniam Sundaranar University,
represented by the Registrar,
Abhisegapatti,
Pettai, Tirunelveli District-627 012.
4. Dr.P.Ravi,
Assistant Professor,
Department of Management Studies,
Manonmaniam Sundaranar University,
Tirunelveli-12.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned Order in No.MSU/R/ESTT.T/MBA/HEAD i/c/2012 dated 04.10.2012 on the file of the Respondent No.3 and quash the same as illegal and consequently directing the Respondent No.3 to appoint the petitioner to the post of Head of the Department (HOD) of Department of Management Studies in Manonmaniam Sundaranar University, Tirunelveli District within the time stipulated by this Court.

For Petitioner

For R1 & R2

For R3 & R4

:Mr.T.Jajapathi Roy

:Mr.R.Sethuraman,

Special Government Pleader

: Mr.Mohaboob Athiff

for M/s.Ajmal Associates

**ORDER**

The order issued by the third respondent vide proceedings, dated 04.10.2012 is under challenge in this writ petition.

2. The impugned order is in relation to the appointment of the fourth respondent as Head In-charge of the Department of Management Studies in Manonmaniam Sundaranar University, Tirunelveli District.

3. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is the senior most Professor in the Department of the Management Studies and he should be appointed as Head of the Department on regular basis. However, the order impugned is not a regular appointment to the post Head of the Department and it is only an order passed appointing the fourth respondent as In-charge Head for an interregnum period.

4. The learned counsel appearing on behalf of the respondents also emphasis that it is not the regular order of appointment. It is only an order, in which, the fourth respondent was put as Head In-charge for the Department of Management Studies for a short span of period.

5. Now, it is brought to the notice of this Court that the fourth respondent was already relieved from the position as Head In-charge. Therefore, no further adjudication is required in respect of the grounds raised in this writ petition. However, the petitioner states that whenever the post of Head of Department is filled, it has to be filled up by following the Rules, considering the name of the writ petitioner. It is needless to state that the competent authorities have to follow the UGC regulations and other relevant Rules in force for filling up the post of Head of Department by considering the names of all the eligible persons, who are working in the University.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Collegiate Education,
College Road, Chennai-6.



2. The Joint Director of Collegiate Education,
O/o.Joint Director of Collegiate Education,
Perumalpuram,
Tirunelveli District.

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+1cc to Mr.T.Jajapathi Roy, Advocate Sr.No.50010
+1cc to M/s.Ajmal Associates Sr.No.50031
+1cc to Spl.Government Pleader Sr.No.50237

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VB/JC/SAR1/02.03.2018/3P/6C

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